

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harold Rodriguez	Team: Squad #5	CCRB Case #: 201700437	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/17/2016 2:00 PM	Location of Incident: 44th Precinct stationhouse	Precinct: 44	18 Mo. SOL 5/17/2018	EO SOL 5/17/2018	
Date/Time CV Reported Wed, 01/18/2017 3:57 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 01/18/2017 3:57 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Jason Valentino	2347	934233	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Maria	22210	954096	044 PCT
2. POM Dywayne Harris	10473	949660	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Jason Valentino	Abuse: Sergeant Jason Valentino authorized the strip-search of § 87(2)(b)	

Case Summary

§ 87(2)(b) filed the following complaint with the CCRB on January 18, 2017 via telephone, two months after the incident occurred.

On November 17, 2017, at approximately, 2:00 p.m., § 87(2)(b) was arrested for § 87(2)(b) at the corner of Nelson Avenue and West 166 Street in the Bronx. He was brought into the 44th Precinct stationhouse and a strip search was authorized by Sgt. Jason Valentino (**Allegation A**). No weapons or contraband were found and § 87(2)(b) was placed into a holding cell.

There is no video evidence for this case.

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation due to § 87(2)(b)'s arrest.
- A Notice of Claims request was sent to the NYC Comptroller's office on March 24, 2017 and the results will be added to the case file upon receipt.
- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (BR 02).
- Sgt. Jason Valentino has 8 allegations against him across 5 complaints. § 87(2)(g) Sgt. Valentino has one allegation of Discourtesy substantiated against him in CCRB 201200640 and Command Discipline was recommended. The NYPD took no disciplinary action.

Allegation A – Abuse of Authority: Sergeant Jason Valentino authorized the strip-search of

§ 87(2)(b)

§ 87(2)(b) was arrested for § 87(2)(b) and was brought to the 44th Precinct stationhouse. According to § 87(2)(b) he asked PO Maria if he could use the bathroom immediately upon arriving at the front desk. PO Maria agreed to take § 87(2)(b) to the bathroom and escorted him to the cell area with PO Harris. In the cell area, PO Maria told § 87(2)(b) to remove his clothing and to squat and cough. § 87(2)(b) complied and did as he was told. § 87(2)(b) then put his clothes back on, used the bathroom and was brought back to the front desk to finish arrest processing.

Sgt. Valentino and PO Maria consistently stated that § 87(2)(b) reached into his waistband behind his back several times as his arrest was being processed at the front desk. Sgt. Valentino and PO Maria both stood next to § 87(2)(b) as his information was entered into the command log. Sgt. Valentino and PO Maria were both in position to see § 87(2)(b) putting his hands into his waistband. Both Sgt. Valentino and PO Maria believed that § 87(2)(b) might have had a weapon or contraband secreted inside of his clothing. Sgt. Valentino then authorized a strip search on § 87(2)(b) for safety concerns. PO Maria asked § 87(2)(b) afterward why he kept going into his waistband and § 87(2)(b) replied that he had to use the bathroom.

Patrol Guide Procedure 208-05 (BR 03) states that, “a strip search may only be conducted when the arresting officer reasonably suspects that weapons, contraband or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by

the previous search methods.” Additionally it states that the strip search should be logged into the Command Log, and arresting officer’s activity log.

Sgt. Valentino and PO Maria both witnessed that § 87(2)(b) reached into his waistband multiple times as they processed his arrest in the 44th Precinct stationhouse. For safety purposes, Sgt. Valentino authorized a strip search in case § 87(2)(b) had any weapons or contraband hidden in his pants. § 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

§ 87(2)(g)

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date